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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOSUE SOTO, Individually, On Behalf of All) **CIVIL NO. 08cv0033 L (AJB)**
Others Similarly Situated, and on Behalf of the)
General Public,)

Plaintiff,)

v.)

DIAKON LOGISTICS (DELAWARE), INC., a)
foreign corp.; and DOES 1 through 50,)
inclusive,)

Defendants.)
_____)

CLASS ACTION

**ORDER GRANTING CONTINUANCE OF
DEADLINE FOR RESPONSE TO
COUNTERCLAIM**

WHEREAS:

1. This action was filed in San Diego Superior Court, case number: 37-2007-00083029-CU-OE-CTL on December 5, 2007;

2. Defendant removed the action to Federal Court on January 4, 2008;

3. Defendant filed an Answer and Counterclaim for Indemnity against Plaintiff SOTO on January 11, 2008;

4. Plaintiff SOTO'S response to the counterclaim was due to be filed by January 31, 2008;

5. On January 28, 2008, Defendant filed a Third-Party Complaint against SAYBE'S LLC, which contains a single cause of action for indemnity similar to that alleged in the counterclaim against Plaintiff SOTO;

6. The present matter has been scheduled for an Early Neutral Evaluation Conference on February 26, 2008;

7. The parties to the action have stipulated that good cause exists for continuing the deadline for Plaintiff SOTO'S response to the counterclaim to the same date as the response to the Third-Party Complaint as both pleadings contain the identical cause of action for indemnification and it would be more economical to handle identical challenges to both pleadings simultaneously.

ACCORDINGLY, AND FOR GOOD CAUSE APPEARING, IT IS HEREBY

ORDERED THAT Plaintiff shall be permitted an extension of time to respond to Defendant's counterclaim up to and including 20 days from the date of service of the Third-Party Complaint against SAYBE'S LLC.

IT IS SO ORDERED

DATED: February 1, 2008


Hon. M. James Lorenz
U.S. District Court Judge
United States District Court